

REMARKS

Claims 1-11 are pending and stand rejected.

The Office Action rejects claims 1-7 under 35 USC §101. Claim 1 has been amended. We respectfully request the withdrawal of the rejection of claims 1-7 and allowance of the claims.

The Office Action rejects claims 1, 2, 4, 5, 8, 9 and 11 under 35 USC §102(b) as being anticipated by US Pub No 2002/0178440 to Agnihotri et al ("Agnihotri").

Claim 1 is directed to a method for rendering mass-market content information accompanied by metadata descriptive of a mood-affecting attribute of the content information to a user, the method comprising enabling the user to store a user profile, and enabling the content to be processed for the purpose of personalizing the rendering during play-out of the content under the control of the user profile.

Claim 8 is directed to a consumer electronics system for rendering mass-market content information accompanied by metadata descriptive of a mood-affecting attribute of the content information to a user, the system comprising a memory for storing a user profile, and a controller coupled to the memory for controlling a processing of the content for the purpose of personalizing the rendering during play-out of the content, under control of the profile.

Claim 11 is directed to a computer-readable medium encoded with a software program, the software program, when executed by a processor, controls a consumer electronics apparatus for rendering mass-market content information accompanied by metadata descriptive of a mood-affecting attribute of the content information to a user, the software program being configured to use a profile of the user for control of processing the content information for the purpose of personalizing the rendering during play-out of the content.

Agnihotri is directed to a method and apparatus are disclosed for automatically selecting an alternate item based on user behavior. The disclosed television programming recommender monitors user behavior and automatically selects an alternate program when the viewer does not sufficiently like the current program selection. Detected predefined negative behavior includes, for example, (i) auditory commands, (ii) gestural commands, (iii) facial expressions, or (iv) other predefined behavior suggesting that the viewer dislikes the program. A flexible mechanism is provided for providing an alternate program selection (Abstract).

Claims 1, 8 and 11 incorporate the limitation rendering mass-market content information accompanied by metadata descriptive of a mood-affecting attribute of the content information to a user. Agnihotri does not disclose a method or system or computer readable medium encoded with a software program, for rendering mass-market content information accompanied by metadata descriptive of a mood-affecting attribute of the content information to a user, as described in claims 1, 8 and 11 for enabling the user to store a user profile, and enabling the content to be processed for the purpose of personalizing the rendering during play-out of the content under the control of the user profile. As disclosed in Agnihotri, when the recommender changes from one program item to another program item, only the program contents are changed, and there is no teaching or suggestion of personalizing how the programs are rendered. Therefore, Agnihotri does not disclose all the elements of independent claims 1, 8 and 11 and claims 1, 8 and 11 are not anticipated by Agnihotri. Claims 1, 2, 4, 5 which depend from claim 1 and claim 9 which depend from claim 8 are not anticipated by Agnihotri and are therefore allowable for the same reasons as claims 1 and 8. We respectfully request withdrawal of the rejection of claims 1, 2, 4, 5, 8, 9 and 11 and allowance of the claims.

The Office Action rejects claim 3 under 35 USC §103(a) as being unpatentable over Agnihotri in view of US Pat. No. 5,875,108 to Hoffberg et al ("Hoffberg").

Claim 3 incorporates the limitations of claim 1. As discussed above, Agnihotri does not disclose the limitations of claim 1 and therefore does not teach nor suggest the limitations of claim 3. Furthermore, as stated in the Office Action, Agnihotri fails to disclose that the sensor is coupled to the user.

Furthermore, Hoffberg does not disclose the limitations of claim 1 and therefore does not teach the limitations of claim 3. Hoffberg discloses that an adaptive interface for a programmable system, for predicting a desired user function, based on user history, as well as machine internal status and context. The apparatus receives an input from the user and other data. A predicted input is presented for confirmation by the user, and the predictive mechanism is updated based on this feedback (Abstract). Since Agnihotri fails to disclose the limitations of claim 3, a person skilled in the art would not look to Hoffberg to remedy the deficiencies of Agnihotri and claim 3 is not rendered obvious by Agnihotri in view of Hoffbeg. We respectfully request withdrawal of the rejection of claim 3 and its allowance.

The Office Action rejects claims 6 and 10 under 35 USC §103(a) as being unpatentable over Agnihotri in view of US Pub. No. 2003/0002715 to Kowald ("Kowald").

Claim 6 depends from and incorporates the limitations of claim 1, Claim 10 depends from and incorporates the limitations of claim 11. As discussed above, Agnihotri does not teach nor suggest the limitations of claims 1 or 8 and therefore does not teach nor suggest the limitations of claims 6 or 10. As to claims 6 and 10, as stated in the Office Action, Agnihotri fails to disclose providing metadata indicative of a mood

affecting of the content and enabling to match the metada against the profile for the control of the processing.

Kowald does not teach the limitations of claims 1 and 8. By contrast, Kowald discloses a method and system for automated classification of a digital image. The method analyses the image for the presence of a human face. A determination is then made regarding the size of the located face compared to the size of the image to classify the image based on the relative size of the face. Alternatively, the position of the face within the image can be used to determine the classification. With a classified image, particularly forming part of a sequence of classified images, editing of the sequence may be performed dependent upon the classification to achieve a desired aesthetic effect. The editing may be performed with the aid of an editing template. (Abstract) Since Agnihotri fails to disclose the limitations of claims 6 and 10, a person skilled in the art would not look to Kowald to remedy the deficiencies of Agnihotri and claims 6 and 10 are not rendered obvious by Agnihotri in view of Kowald. . We respectfully request withdrawal of the rejection of claims 6 and 10 and allowance of the claims.

The Office Action rejects claim 7 under 35 USC §103(a) as being unpatentable over Agnihotri.

Claim 7 depends from and incorporates the limitations of claim 1.

The Office Action states that the Examiner takes official notice of the fact that storing content for personalized rendering later on was well-known in the art at the time of the invention. As provided in MPEP 2144.03, Applicants ask the basis of the Examiner taking official notice and an explanation to support this official notice.


As stated by the Office Action, Agnihotri fails to disclose "providing metadata indicative of a mood affecting of the content and enabling to match the metada against

the profile for the control of the processing " As discussed above, Agnihotri does disclose the limitations of claim 1 or render obvious the limitations of claim 1. Since claim 7 depends from and incorporates the limitations of claim 1, Agnihotri does not disclose nor render obvious the limitations of claim 7. We respectfully request withdrawal of the rejection of claim 7 and its allowance.

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

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Respectfully submitted,



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